

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 30th day of June 1998

BEFORE

THE HON'BLE MR. JUSTICE M.F. SALDANHA

WRIT PETITION NO.11524/1998

Between:

Pushpalatha R. Adyant haya(Adult)  
D/o Ramanna G. Shetty,  
Residing at Fancy Manzil,  
II Floor, 23A Matharpacady Road,  
Mazgaon,  
BOMBAY, represented by Power of  
Attorney Holder H. Rajeeva  
Adyant haya residing at the  
above address. ... Petitioner.

(By Sri V.V. Upadhyaya, Advocate).

And:

1. Stella Crasta (Adult)
2. Herald Crasta (-do-)
3. Cyril Crasta (-do-)
4. Nirmal Crasta (-do-)
5. Jesynthia Pereira(adult)

The respondent 1 is the wife  
and respondents 2 to 5 are the  
children of Leo crasta. Respondents  
1 to 4 are residing at Leo Crasta  
Compound, Behind Industrial Estate,  
Konchady, Mangalore. The 5th respondent  
is residing at No. 10-154, Shakthi nagar;  
Mangalore-575016.

...2/-

6. The Land Tribunal,  
represented by its Chairman,  
Mangalore, Dakshina Kannada  
District.
7. The Tahsildar,  
Mangalore taluk, Mangalore  
Dakshina Kannada District.
8. The State of Karnataka,  
represented by its Secretary  
Department of Revenue,  
M. S. Building,  
Bangalore-560 001. .... Respondent.

(By Smt. M. R. Shanthakumari, HCGP, for R-6 to 8).

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This W.P. is filed under Articles 226 & 227 of the Constitution of India praying to quash Annexure-A dt. 16-9-81 by respondent No.6 in so far as it relates to the disputed land.

This W.P. coming on for preliminary hearing this day, the Court made the following:-

0 R D E R

I have heard the petitioners' learned Advocate,  
and the learned Government Advocate for respondents 6,  
*on merits* 7 and 8, *h* No notice is being issued *to* respondents 1 to  
5, since this Court is only required to pass an order  
which is an extension of the earlier order passed by  
my Brother CHIDANAND ULLAL, J., in W.P.No.10667/94  
dated 7-7-97.

....3/-

2. Earlier W.P. has been remanded to the Tribunal for a de novo hearing and the Sy.Nos. covered by that order do not include Sy.No.

292/2. The petitioners learned Advocate points out to me that the Tahsildar contends that Sy.No. 292/2 was a part of the original order passed in 1981 which this Court has set aside and directed a re-hearing. He therefore submits that the earlier order should also cover Sy.No.

292/2 and that this land also be included within the ~~scope~~ <sup>ambit</sup> of the pending enquiry. It does appear ~~that~~ due to some error in the Certified Copy issued to the petitioners' learned Advocate on the last occasion that Sy.No.292/2 was not included in the High Court order dated 7-7-97. It is clarified that the Tribunal order dated 16-9-81 in respect of Sy. No.292/2 is set aside and that the Tribunal, while re-deciding the case shall include this Sy.No. also

at the time of the enquiry. The Petition succeeds and stands disposed of. No order as to costs.

Sd/-  
JUDGE



rsk